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Group Art Unit: 1638

Attorney  
Docket: 27084

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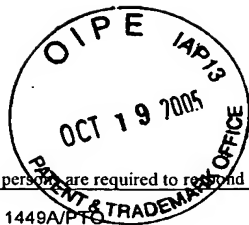
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Martin O. Morrison

Dated: October 3, 2005

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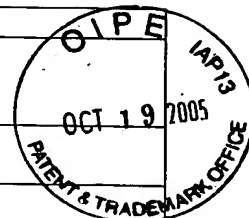
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| Substitute for form 1449A/PTO<br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br>(use as many sheets as necessary) |                       | Complete if Known                                                                                                                                                                                                                                                                                    |                        |
|                                                                                                                                |                       | Application Number                                                                                                                                                                                                                                                                                   | 10/774,388             |
|                                                                                                                                |                       | Filing Date                                                                                                                                                                                                                                                                                          | February 10, 2004      |
|                                                                                                                                |                       | First Named Inventor                                                                                                                                                                                                                                                                                 | Jonathan GRESSEL et al |
|                                                                                                                                |                       | Group Art Unit                                                                                                                                                                                                                                                                                       | 1638                   |
| Examiner Name                                                                                                                  | FOX, DAVID T          | Attorney Docket Number                                                                                                                                                                                                                                                                               | 27084                  |
| Sheet                                                                                                                          |                       | Of                                                                                                                                                                                                                                                                                                   |                        |
| OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS                                                                              |                       |                                                                                                                                                                                                                                                                                                      |                        |
| Examiner Initials                                                                                                              | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.                                        | T <sup>2</sup>         |
|                                                                                                                                | 5                     | Dasgupta et al. "Co-Ordinated Expression of Multiple Enzymes in Different Subcellular Compartments in Plants", The Plant Journal, 16(1): 107-116, 1998.                                                                                                                                              |                        |
|                                                                                                                                | 6                     | Azpiroz et al. "An Arabidopsis Brassinosteroid-Dependent Mutant Is Blocked in Cell Elongation", The Plant Cell, 10: 219-230, 1998.                                                                                                                                                                   |                        |
|                                                                                                                                | 7                     | Al-Kaff et al. "Transcriptional and Posttranscriptional Plant Gene Silencing in Response to A Pathogen", Science, 279: 2113-2115, 1998.                                                                                                                                                              |                        |
|                                                                                                                                | 8                     | Schaller et al. "Overexpression of An Arabidopsis cDNA Encoding A Sterol-C24(1)-Methyltransferase in Tobacco Modifies the Ratio of 24-Methyl Cholesterol to Sitosterol and Is Associated With Growth Reduction", Plant Physiology, 118: 461-469, 1998.                                               |                        |
|                                                                                                                                | 9                     | Zemetra et al. "Potential for Gene Transfer Between Wheat (Triticum Aestivum) and Jointed Goatgrass (Aegilops Cylindrica)", Weed Science, 46: 313-317, 1998.                                                                                                                                         |                        |
|                                                                                                                                | 10                    | Koltunow et al. "Apomixis: Molecular Strategies for the Generation of Genetically Identical Seeds Without Fertilization", Plant Physiology, 108: 1345-1352, 1995.                                                                                                                                    |                        |
|                                                                                                                                | 11                    | Young "Heritability of Resistance to Seed Shattering in Kleingrass", Crop Science, 31: 1156-1158, 1991.                                                                                                                                                                                              |                        |
|                                                                                                                                | 12                    | Williams "Genetic Engineering for Pollution Control", Trends in Biotechnology, 13: 344-349, 1995.                                                                                                                                                                                                    |                        |
|                                                                                                                                | 13                    | Crawley et al. "Ecology of Transgenic Oilseed Rape in Natural Habitats", Nature, 363: 620-623, 1993.                                                                                                                                                                                                 |                        |
|                                                                                                                                | 14                    | Snow et al. "Fecundity, Phenology, and Seed Dormancy of F1 Wild-Crop Hybrids in Sunflower (Helianthus Annuus, Asteraceae)", American Journal of Botany, 85(6): 794-801, 1998.                                                                                                                        |                        |
|                                                                                                                                | 15                    | Jorgensen et al. "Spontaneous Hybridization Between Oilseed Rape (Brassica Napus) and Weedy B. Campestris (Brassicaceae): A Risk of Growing Genetically Modified Oilseed Rape", American Journal of Botany, 81(12): 1620-1626, 1994.                                                                 |                        |
|                                                                                                                                | 16                    | Paterson et al. "The Weediness of Wild Plants: Molecular Analysis of Genes Influencing Dispersal and Persistence of Johnsongrass, Sorghum Halepense(L.) Pers.", Proc. Natl. Acad. Sci. USA, 92: 6127-6131, 1995.                                                                                     |                        |
|                                                                                                                                | 17                    | Vleeshouwers "The Effect of Seed Dormancy on Percentage and Rate of Germination in Polygonum Persicaria, and Its Relevance for Crop-Weed Interaction", Annual of Applied Biology, 132: 289-299, 1998.                                                                                                |                        |
|                                                                                                                                | 18                    | Eijlander et al. "Biological Containment of Potato (Solanum Tuberosum): Outcrossing to the Related Wild Species Black Nightshade (Solanum Nigrum) and Bittersweet (Solanum Dulcamara)", Sexual Plant Reproduction, 7: 29-40, 1994. Abstract. [Chem. Abstr., 75(20): 163, Col.1, Abstract No.120718k] |                        |
|                                                                                                                                | 19                    | Ritala et al. "Measuring Gene Flow in the Cultivation of Transgenic Barley", Crop Science, 42: 278-285, 2002.                                                                                                                                                                                        |                        |
|                                                                                                                                | 20                    | Kuvshinov et al. "Molecular Control of Transgene Escape From Genetically Modified Plants", Plant Science, 160(3): 517-522, 2001. Abstract.                                                                                                                                                           |                        |
|                                                                                                                                | 21                    | Gressel "Tandem Constructs to Mitigate Transgene Flow", Draft Journal Art., 2003.                                                                                                                                                                                                                    |                        |
|                                                                                                                                | 22                    | Daniell et al. "Containment of Herbicide Resistance Through Genetic Engineering of the Chloroplast Genome", Nature Biotechnology, 16: 345, 1998.                                                                                                                                                     |                        |
|                                                                                                                                | 23                    | Oard et al. "Field Evaluation of Seed Production, Shattering, and Dormancy in Hybrid Populations of Transgenic Rice (Oryza Sativa) and the Weed, Red Rice (Oryza Sativa)", Plant Science, 157: 13-22, 2000.                                                                                          |                        |
|                                                                                                                                | 24                    | Linder "Potential Persistence of Transgenes: Seed Performance of Transgenic Canola                                                                                                                                                                                                                   |                        |

|  |    |                                                                                                                                                                                                 |  |
|--|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  |    | and Wild X Canola Hybrids", Ecological Applications, 8(4): 1180-1195, 1998.                                                                                                                     |  |
|  | 25 | Landbo et al. "Seed Germination in Weedy Brassica Campestris and Its Hybrids With B. Napus: Implications for Risk Assessment of Transgenic Oilseed Rape", Euphytica, 97: 209-216, 1997.         |  |
|  | 26 | Desplanque et al. "Transgenic Weed Beets: Possible, Probable, Avoidable?", Journal of Applied Ecology, 39: 561-571, 2002.                                                                       |  |
|  | 27 | Wang et al. "Constitutive Expression of the CIRCADIAN CLOCK ASSOCIATED 1 (CCA1) Gene Disrupts Circadian Rhythms and Suppresses Its Own Expression", Cell, 93: 1207-1217, 1998.                  |  |
|  | 28 | Bartsch et al. "Boisafety of Hybrids Between Transgenic Virus-Resistant Sugar Beet and Swiss Chard", Ecological Appl., 11(1): 142-147, 2001.                                                    |  |
|  | 29 | Kuvshinov et al. "Barnase Gene Inserted in the Intron of GUS - A Model for Controlling Transgene Flow in Host Plants", Plant Science, 167: 173-182, 2004.                                       |  |
|  | 30 | Gressel et al. "Genetic and Ecological Risks From Biotechnologically-Derived Herbicide-Resistant Crops: Decision Trees for Risk Assessment", Plant Breeding Reviews, 18(Chap.5): 251-303, 2000. |  |
|  | 31 | Gressel et al. "Containment and Mitigation of Transgene Flow From Crops", The BCPC International Congress - Crop Science & Technology, P.1175-1180, 2003.                                       |  |
|  | 32 | Gressel "Tandem Constructs: Preventing the Rise of Superweeds", Tibtech, 17: 361-366, 1999.                                                                                                     |  |
|  | 33 | Gressel "Introgressional Failsafes for Transgenic Crops", Xieme Colloque International sur la Biologie des Mauvais Herbes, 8 P. 2000.                                                           |  |
|  | 34 | Gressel "Potential Failsafe Mechanisms Against the Spread and Introgression of Transgenic Hypervirulent Biocontrol Fungi", Trends in Biotechnology, 19(4): 149-154, 2001.                       |  |
|  | 35 | Al-Ahmad et al. "Tandem Constructs to Mitigate Transgene Persistence: Tobacco as A Model", Molecular Ecology, 13: 697-710, 2004.                                                                |  |
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